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NEIFELD, DEATON-18-USC1

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: DEATON ET AL.

USPTO CONFIRMATION CODE: 8230

SERIAL NO: 08/935,116 ✓

FILED: 9/22/1997

EXAMINER: ALVAREZ, Raquel

GROUP ART UNIT: 3622

FOR: System, method and Database for Processing Transactions

PETITION IN RESPONSE TO FINALITY OF RESTRICTION REQUIREMENT UNDER
37 CFR 1.142

ASSISTANT COMMISSIONER FOR PATENTS

ALEXANDRIA, VA 22313

Sir:

The applicant petitions for withdrawal of the restriction requirement, in partial response to the office communication dated February 17, 2006, further in response to the office communication dated July 19, 2005, and further in response to the office communication mailed May 13, 2005.

I. RELIEF REQUESTED

The applicant requests the Director order the examiner to reinstate the currently withdrawn claims.

II. STATEMENT OF MATERIAL FACTS

1. On 9/9/2004, the BPAI rendered a decision reversing all pre-exiting rejections of claims 8-16 (under sections 101, 102 (based upon Creekmore, Goldman), 103 (based upon Creekmore, Off, Tai), and obviousness-type double patenting over USP 5,305,196), and affirming the rejections of claim 17-32 under 103 (based upon Creekmore, Off, Tai, and Bigari). In addition, the BPAI entered a new ground of rejection of claim 33 under 102, based upon ____.

2. In its decision, the BPAI panel found that (1) Creekmore does not disclose that the terminal for entering the unique customer codes is located at the point-of-sale, and that point-of-use is not equivalent to point-of-sale (pages 9-10), that (2) that Goldman does not disclose storing the dollar amount of prior transactions in the customer database (page 11), (3) that Off does not disclose basing the generation of coupons or discounts on previous transactions, but rather on the current transaction, (4) that Tai does not disclose generating the customer information response at the point of sale during the customer's transaction upon detection of a unique identification code of the customer, but rather generates the response at an earlier time, and that Tai does not disclose or suggest entering a unique customer identification code at the point of sale (page 17), (5) that Bigari discloses a voucher apparatus is remote from the point of purchase, just as the check verification terminal of Creekmore is near but not at the point-of-sale terminal, citing Bigari col. 6 lines 14-17, and (6) that Bigari's discloses the following feature not relied upon by either the examiner or the appellant: Bigari discloses at col. 9 lines 55-61 a payment voucher processing system wherein the point of purchase register is integrated with the payment voucher processing apparatus 10 (page 20) and concluded that Bigari col. 9 lines 55-61 would have provided motivation to integrate Creekmore's verification terminal with the point-of-sale terminal, thereby suggesting claim 17, and therefore affirmed the rejections of claims 17-32.

3. With respect to Creekmore, the BPAI panel found that:

Creekmore discloses storing customer data relating to prior transactions, because checks cashed withing a particular period and their dollar amounts relates to the customer's prior transactions (col. 7, lines 19-21 and col. 7, lines 64-68 and col. 10, lines 48-56). In addition, Creekmore discloses that the information relating to the dollar amount of the check is entered into the terminal by the user (col. 3, lines 6-10 and col. 10, lines 52-53). [Page 9.]

4. Moreover, the BPAI panel imposed rejections under 102(b) based upon Creekmore of claim 33, inviting the examiner to consider whether the panel's rationale was applicable to other claims.

5. On 1/4/2005, the applicant filed an amendment representing original claims 1-16, amending independent claims 17 (and therefore changing the scope of dependent clams 18-21 due to their dependency upon claim 17), amending independent claim 22 (and therefore changing the scope of dependent claims 23-26 due to their dependency upon claim 22), amending independent claim 27 (and therefore changing the scope of dependent claims 28-30) due to their dependency upon claim 27), amending independent claim 30 (and therefore changing the scope of dependent claims 31-32) due to their dependency upon claim 30), amending independent claim 33, amending independent claim 34 (and therefore changing the scope of dependent claims 35-39 due to their dependency upon claim 34), and adding new claims 40-76.

6. On 5/13/2006, the USPTO mailed a communication responding to the 1/4/2005 amendment requiring election between group I claims 1-16 and group II claims 17-76.

7. On 5/18/2005, the applicant filed a 37 CFR 1.142 response to the election requirement, electing with traverse claims 8-16.

8. On 7/19/2005, the USPTO mailed a communication responding to the applicant's 5/18/2005 election and traverse holding the applicant's response non-responsive for failure to provide proper claim identifier "non-elected".

9. On 8/3/2005, the applicant filed a response to the USPTO's 7/19/2005 communication reiterating the applicant's 5/18/2005 election with traverse, and representing claims 8-76 with USPTO acceptable status identifiers. Specifically, the applicant stated that:

In response to the office communication dated July 19, 2005, further in response to the office action mailed May 13, 2005, in which the examiner presented a requirement to elect between claims 8-16 and 17-76, the applicant elects claims 8-16, with traverse for four reasons.

First, the examiner's requirement to elect violates 37 CFR 1.142(a); this application is long after final, and after a decision on appeal on claims 8-39. 37 CFR 1.142(a) precludes a requirement to elect after final. Accordingly, the examiner's requirement to elect is improper and must be withdrawn.

Second, the examiner's requirement to elect is also improper given the long pendency of this applications and its claims. The examiner should be equitably stopped from requiring election because that will result in loss of significant patent term, on the order of 5 years, due to the tardiness of the requirement.

Third, the examiner's requirement lack s merit. The examiner admits that both sets of claims are classified in class 705, subclass 26 showing no basis for any burden in search on the examiner. A showing of burden, in addition to an actual burden, are prerequisites for a sustainable requirement to elect. See section III.C.6 in "Continuation Applications, RACES, Appeals, Petitions, Interferences, Public Use Proceedings, Determinations, and Oppositions Neifeld, published in Proceedings of "Practical Patent Prosecution Training for New Lawyers," (AISLA 2004)." The examiner provides no such showing.

Fourth, the assertions of fact in support of the examiner's sole rationale in support of the requirement to elect are incorrect. The examiner states that allegedly distinct inventions I and II are related as sub combination of one another, *and distinct because* "invention II has the separate utility such as associating a customer number with a dollar amount."

The foregoing quoted assertion is incorrect. Alleged Invention II is not a *sub combination* of invention I with respect to customer number and dollar amount. It is instead a *species* thereof, because the associating dollar amount with customer identification of alleged invention II is covered by, and a subset of, alleged invention II's "information at said point-of-sale terminal derived from said database and useful for effectuating targeted customer promotion" associated with the customer identification of group I. Thus, the utility of associating a dollar amount with a customer number is generic to the allegedly distinct Invention I. In other words, the subject matter upon which the examiner allegedly distinct invention I and II are distinct, is common to both allegedly distinct inventions. Therefore, the inventions cannot be distinct in the manner asserted by the examiner.

10. On 10/17/2005, the USPTO mailed a action communication that responded to the applicant's 8/3/2005 response by withdrawing claims 1776 and rejecting claims 8-16 under 102 based upon Ferguson. The cover page of this communication inaccurately fails to list claims 17-76 as pending and withdrawn. However, the examiner's argument responds to the applicant's traverse of the requirement, reasoning only that:

... group I, consisting of claims 8-16 pertains to deriving a targeted customer promotion and that limitation is distinct from group II consisting of claims 17-76 with pertain to associating a customer with a dollar amount. The search for claims 8-16 would require a different search than the search for claims 17076 and therefore the search for both groups would have been different and would have been a burden for the Examiner to conduct the separate searches. The examiner asserts that the restriction is proper under. See MPEP 808.02(c). [Office action numbered page 3 lines 9-15.]

11. On 12/8/2005, the applicant filed a response to the 10/17/2005 office action showing that Ferguson was not prior art.

12. On 2/17/2006, the USPTO mailed an office communication responding to the applicant's 12/8/2005 response, with a non final office action. The 2/17/2006 office action rejected claims 8-16 under Nichtberger (USP 4,882,675).

III. REASONS WHY THE RELIEF REQUESTED SHOULD BE GRANTED

The applicant's rationale for why the requirement is improper stated in fact 8 above has not been rebutted by the examiner. Instead, the examiner provided only the rationale in fact 10, above.

The examiner's subsequent assertion in numbered fact 10 that:

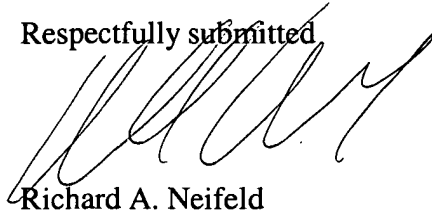
... group I, consisting of claims 8-16 pertains to deriving a targeted customer promotion and that limitation is distinct from group II consisting of claims 17-76 with pertain to associating a customer with a *dollar amount*. The search for claims 8-16 would require a different search than the search for claims 17-76 and therefore the search for both groups would have been different and would have been a burden for the Examiner to conduct the separate searches. The examiner asserts that the restriction is proper under. See MPEP 808.02(c). [Office action numbered page 3 lines 9-15.]

is inconsistent with fact 3. Specifically, the examiner's assertion that there would be any burden to the examiner, much less the burden required by the MPEP, search for a prior art teaching of storing customer *dollar amount*, is inconsistent with the BPAI panel finding that Creekmore provides such a teaching of storing the dollar amount of a customer's check. That is the only limitation in claims 17 et seq. identified by the examiner in his rational for a burden on examination. However, the applicant notes that at least claims 8-16 preexisted the appeal, and were already searched. Therefore, there can be no de jure burden in searching for "a targeted customer promotion"; prior art for that concept was search, applied, and litigated, long ago.

For all of the foregoing reasons, the requirement is improper and should be withdrawn.
The current claims and their status appear in the appendix.

4/27/06

Respectfully submitted



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APPENDIX

CURRENT LISTING OF THE CLAIMS:

1-7. Canceled.

8. (Previously presented) A system for accumulating customer transaction data at the point-of-sale in a retail establishment and for effectuating customer promotion on the basis thereof, comprising:

a terminal for entering unique customer identification codes from customer identification presented at the point-of-sale in a retail transaction;

means for allowing entry of customer transaction data;

a processor and

a memory responsive to said terminal and said means allowing entry for creating a database for a plurality of the store's customers' transaction data from prior shopping visits, such that data regarding individual customer's prior transactions are stored in association with said individual customer's unique identification code; and

circuitry responsive to said processor, memory, and database for generating a customer information response signal at the point-of-sale during said individual customer's transaction in said retail establishment upon detection of a unique identification code of said individual customer,

said signal being related to said individual customer's transaction data in shopping visits prior to the current shopping visit, and

said signal providing information at said point-of-sale terminal derived from said database and useful for effectuating targeted customer promotion.

9. (Previously presented) A system for accumulating and using customer transaction data at the point-of-sale in a retail establishment comprising:

apparatus for entering unique customer identification codes from customer identification presented at the point-of-sale in said retail establishment;

a terminal for entering customer transaction data at the point-of-sale in said retail establishment;

a processor and

a memory responsive to said apparatus and said terminal for creating a database for a plurality of the store's customers' transaction data from prior shopping visits, such that data regarding individual customer's prior transactions are stored in association with said individual customer's unique identification code; and

circuitry associated with said memory and responsive to the entry of said individual customer's identification code during a transaction at the point-of-sale, said circuitry being operable to generate a customer information response signal at the point-of-sale representative of said individual customer's transaction history prior to the current shopping visit,

said signal providing information at said point-of-sale terminal derived from said database and useful for effectuating targeted customer promotion.

10. (Previously presented) A method for accumulating and using customer transaction data at the point-of-sale in a retail establishment comprising the steps of:

entering unique customer identification codes from customer identification presented at the point-of-sale in a retail transaction;

entering customer transaction data;

creating a database for a plurality of the store's customers' transaction data from prior shopping visits, such that data regarding individual customer's prior transactions are stored in association with said individual customer's unique identification code; and

generating a customer information response at the point-of-sale during said individual customer's transaction in said retail establishment upon detection of a unique identification code of said individual customer,

said response signal being related to said individual customer's transaction data in shopping visits prior to the current shopping visit, and

said response providing information at said point-of-sale derived from said database and useful for effectuating targeted customer promotion.

11. (Previously presented) A method for accumulating and using customer transaction data at the point-of-sale in a retail establishment comprising the steps of:

entering unique customer identification codes from customer identification presented at the point-of-sale in a retail establishment;

entering customer transaction data at the point-of-sale in said retail establishment;

creating a database for a plurality of the store's customers' transaction data from prior shopping visits, such that data regarding individual customer's prior transactions are stored in association with said individual customer's unique identification code;

accessing said database in response to the entry of said individual customer's identification code during a transaction at the point-of-sale;

determining from said database the transaction history of said individual customer; and

generating a customer information response at the point-of-sale representative of said individual customer's transaction history prior to the current shopping visit,

said response providing information at said point-of-sale derived from said database and useful for effectuating targeted customer promotion.

12. (Original) A system according to Claim 8,

wherein said circuitry generates said customer information response signal as a function of analysis by said circuitry of said individual customer's transaction data following said detection of said unique identification code of said individual customer.

13. (Original) A system according to Claim 9,

wherein said circuitry generates said customer information response signal as a function of analysis by said circuitry of said individual customer's transaction data following said entry of said individual customer's identification code.

14. (Original) A method according to Claim 10,

wherein said generating step includes the step of generating said customer information response as a function of analysis of said individual customer's transaction data following said detection of said unique identification code of said individual customer.

15. (Original) A method for providing customer services in a retail establishment, comprising the steps of:

entering into a point-of-sale terminal a unique identification code for a customer;

entering into said terminal transaction data relating to the customer's shopping transactions;

generating and maintaining a database, including the step of correlating said transaction data with said unique identification code;

responding to entry, during a current transaction, of said unique identification code for a customer by analyzing said transaction data of the customer, including data in said database from prior transactions, with or without data from the current transaction, in order to generate a response which is a function of said data in said database from prior transactions, and by

supplying said response to said terminal during said current transaction in which said unique identification code is entered,

said response including information for effecting a targeted promotion to the customer.

16. (Original) A method for providing services or promotions to customers in a retail establishment, comprising the steps of:

entering into a point-of-sale terminal an account number from a payment instrument presented by a customer,

and using said account number as a unique identification code for the customer;

entering into said terminal transaction data relating to the customer's shopping transactions;

generating and maintaining a database, including the step of correlating said transaction data with said unique identification code, said transaction data including data from at least one past transaction of each customer; and

using said database to effect customer services which include targeted marketing and/or promotions,

said using step including the step of analyzing said transaction data of the customer.

17. (Withdrawn) A computer implemented system for providing a signal at a point-of-sale depending upon a customer's shopping history, comprising:

a terminal for entering, during a transaction, a unique customer identification;

a database storing transaction data from prior transactions for a plurality of customers, such that data regarding a customer's prior transactions are stored in association with an identification of that customer;

circuitry responsive to the entry of said unique customer identification at said terminal during said transaction for transmitting to said point-of-sale during said transaction a customer information response signal; and

wherein said customer information response signal depends upon data stored in said database indicating dollar amount of at least one prior purchase associated with said unique customer identification.

18. (Withdrawn) The system of claim 17 wherein said customer information response signal depends upon dollar amount of a plurality of prior purchases associated with said unique customer identification.

19. (Withdrawn) The system of claim 17 wherein said customer information response signal also depends upon a frequency of prior purchases associated with said unique customer identification.

20. (Withdrawn) The system of claim 17 wherein said terminal can also receive customer transaction data.

21. (Withdrawn) The system of claim 17 wherein said data regarding said individual customer's prior transactions stored in association with said individual customer's identification in said database includes transaction frequency and dollar amount.

22. (Withdrawn) A computer implemented method for providing a signal at a point-of-sale depending upon a customer's shopping history, comprising the steps of:

entering in a terminal, during a transaction, a unique customer identification;
storing, in a database, transaction data from prior shopping transactions for a plurality of customers, such that data regarding a customer's prior transactions are stored in association with said an identification of that customer;
transmitting to a point-of-sale during said transaction a customer information response signal in response to the entry of said unique customer identification at said terminal during said transaction; and
wherein said customer information response signal depends upon data stored in said database indicating dollar amount of at least one prior purchase associated with said unique customer identification.

23. (Withdrawn) The method of claim 22 wherein said customer information response signal depends upon dollar amount of a plurality of prior purchases associated with said unique customer identification.

24. (Withdrawn) The method of claim 22 wherein said customer information response signal also depends upon a frequency of prior purchases associated with said unique customer identification.

25. (Withdrawn) The method of claim 22 further comprising the step of receiving in said terminal customer transaction data.

26. (Withdrawn) The method of claim 22 wherein said data regarding said individual customer's prior transactions stored in association with said individual customer's identification in said database includes transaction frequency and dollar amount.

27. (Currently Amended) A computer implemented system for updating data in a customer database, comprising:

a terminal for entering, during a transaction, a unique customer identification and transaction data for said transaction;

a database storing transaction data for a plurality of customers from prior shopping transactions, such that transaction data regarding prior transactions of a customer are stored in association with identification of that customer; and

circuitry responsive to the entry of said unique customer identification and said transaction data at said terminal for updating transaction data and a dollar amount of purchases associated with said unique customer identification in said customer database, and for storing in said customer database the date that transaction data association with said unique customer identification was updated.

28. (Withdrawn) The system of claim 27 wherein said circuitry updates said transaction data associated with said unique customer identification during said transaction.

29. (Withdrawn) The system of claim 27 wherein said database also stores a time of day that said transaction data was updated in association with said unique customer identification.

30. (Withdrawn) A computer implemented method for updating data in a customer database, comprising the steps of:

entering in a terminal, during a transaction, a unique customer identification and transaction data for said transaction;

storing, transaction data for a plurality of customers from prior shopping transactions, such that data regarding a prior transactions of a customer are stored in association with identification of that customer; and

updating transaction data and a dollar amount of purchases associated with said unique customer identification in said customer database in response to entry of said unique customer identification and said transaction data at said terminal; and

storing in said customer database the date that transaction data association with said unique customer identification was updated.

31. (Withdrawn) The method of claim 30 wherein said circuitry updates said transaction data associated with said unique customer identification during said transaction.

32. (Withdrawn) The method of claim 30 further comprising the step of storing in said database a time of day that said transaction data stored in association with said unique identification was updated.

33. (Withdrawn) A computer implemented customer database comprising stored transaction data from prior point-of-sale transactions for a plurality of customers, such that data regarding a customer's prior transactions are stored in association with an identification of that customer said transaction data stored in association with an identification of that customer including:

dollar amount of purchases and time period.

34. (Withdrawn) A computer implemented customer database comprising stored transaction data from prior transactions for a plurality of customers, such that data regarding a customer's prior transactions are stored in association with an identification of that customer, said transaction data stored in association with said identification of that customer including:

total dollar amount of purchases purchased during a period of time.

35. (Withdrawn) The database of claim 34 wherein said period of time is one of a day and a week.

36. (Withdrawn) The database of claim 34 wherein said transaction data stored in association with said identification of that customer further comprises a number of transactions associated with an identification of a customer.

37. (Withdrawn) The database of claim 34 wherein said transaction data stored in association with said identification of that customer further comprises a frequency of transactions.

38. (Withdrawn) The database of claim 34 wherein said transaction data stored in association with said identification of that customer further comprises a frequency of transactions for a specified period of time associated with an identification of a customer.

39. (Withdrawn) The database of claim 38 wherein said specified period of time is one of a day and a week.

40. (Withdrawn) The system of any one of claims 17, 22, 27, 30, 33, and 34, wherein said database is local to the point-of-sale, said database stores transaction data from prior transactions for a plurality of customers such that data regarding a customer's prior transactions are stored in association with an identification of that customer, and said database is updatable from a global database concatenated from multiple store databases including said transaction data from the prior transactions of the customers at multiple stores.

41. (Withdrawn) The system of claim 17 wherein said database stores the date that transaction data association with said unique customer identification was updated.

42. (Withdrawn) The system of claim 17 wherein said terminal is in a first retail store, said database is a first store database, and said first store database is located at said first retail store.

43. (Withdrawn) The system of claim 42 further comprising:
a second store database local at a second retail store, said second store database storing transaction data from prior transactions at said second store for a plurality of customers, such that data regarding a customer's prior transactions are stored in said second store database in association with a unique identification of that customer; and
a global database storing transaction data from prior transactions in both said first retail store and said second retail store.

44. (Withdrawn) The system of claim 43 further comprising at least one data connection, said at least one data connection enabling transmission of data stored in said first store database and said second store database to said global database, and enabling transmission of data from said global database to each one of said first store database and said second store database.

45. (Withdrawn) The system of claim 44 configured to update customer records in said first store database based upon data stored in said global database.

46. (Withdrawn) The system of claim 44 configured to update customer records in said first store database based upon data stored in said global database for transactions that occurred in said second retail store.

47. (Withdrawn) The system of claim 46 configured to update customer records in said first store database based upon data transmitted to said global database from said second store database for transactions that occurred in said second retail store.

48. (Withdrawn) The system of claim 46 configured to update customer records in said second store database based upon data stored in said global database for transactions that occurred in said first retail store.

49. (Withdrawn) The database of claim 33, wherein said database is structured to store in association with said identification of that customer transaction data including a first frequency of transactions by that customer during a first period of time.

50. (Withdrawn) The database of claim 49, wherein said database is structured to store in association with said identification of that customer transaction data including a second frequency of transactions by that customer during a second period of time.

51. (Withdrawn) The database of claim 50, wherein said database is structured to store in association with said identification of that customer transaction data including a third frequency of transactions by that customer during a third period of time.

52. (Withdrawn) The database of claim 33, wherein said database is structured to store in association with said identification of that customer transaction data including a first dollar amount for one or more transactions by that customer during a first time period.

53. (Withdrawn) The database of claim 52, wherein said database is structured to store in association with said identification of that customer transaction data including a second dollar amount for one or more transactions by that customer during a second time period.

54. (Withdrawn) The database of claim 53, wherein said database is structured to store in association with said identification of that customer transaction data including a third dollar amount for one or more transactions by that customer during a third time period.

55. (Withdrawn) The database of claim 33, wherein said database is structured to store in association with said identification of that customer a customer status.

56. (Withdrawn) The database of claim 55, wherein said database is structured to store in association with said identification of that customer a date/time that said customer status changed.

57. (Withdrawn) The database of claim 56, wherein said database is structured to store in association with said identification of that customer a previous status of said customer.

58. (Withdrawn) The database of claim 33, wherein said database is structured to store in association with said identification of that customer a user flag.

59. (Withdrawn) The database of claim 33, wherein said database is structured to store in association with said identification of that customer a transfer date/time indicating when the customer's record was last written to disk.

60. (Withdrawn) The database of claim 33, wherein said database is structured to store in association with said identification of that customer an access date/time indicating when the customer's record was last accessed and updated.

61. (Withdrawn) The database of claim 33, wherein said database is structured to store in association with said identification of that customer a total number of transactions since a last global update, said global update updating data stored in association with said identification of that customer based upon data stored in association with said identification of that customer in a second database.

62. (Withdrawn) The database of claim 61, wherein said database is structured to store in association with said identification of that customer a total dollar volume since said last global update.

63. (Withdrawn) The database of claim 33, wherein said database is structured so that it is indexed at least by customer identification.

64. (Withdrawn) The database of claim 33, wherein said database is structured so that it is indexed at least by status.

65. (Withdrawn) The database of claim 33, wherein said database is structured so that it is indexed at least by transfer date.

66. (Withdrawn) A computer implemented system comprising:
computer implemented customer database comprising stored transaction data from prior point-of-sale transactions, said stored transaction data comprising:

(1) data for a first customer such that data regarding said first customer's prior transactions are stored in a first customer record associating a first customer identification of said first customer with at least a first customer first dollar amount; and

(2) data for a second customer such that data regarding said second customer's prior transactions are stored in a second customer record associating a second customer identification of said second customer with at least a second customer first dollar amount;

a point of sale terminal;

a digital data processor;

and wherein said system is programmed to respond to transaction information received from the point of sale terminal including said first customer identification by identifying said first customer record in said database, and returning to said point of sale terminal a first customer information response signal;

wherein a value of said first customer information response signal depends at least in part upon data stored in said first customer record, including at least said first customer first dollar amount.

67. (Withdrawn) The system of claim 66 wherein a value of said first customer information response signal also depends at least in part upon data stored in said first customer record, including at least a first customer second dollar amount.

68. (Withdrawn) The system of claim 67 wherein a value of said first customer information response signal also depends at least in part upon data stored in said first customer record, including at least a first customer third dollar amount.

69. (Withdrawn) The system of claim 66 wherein a value of said first customer information response signal also depends at least in part upon data stored in said first customer record, including at least a first customer first frequency value.

70. (Withdrawn) The system of claim 69 wherein a value of said first customer information response signal also depends at least in part upon data stored in said first customer record, including at least a first customer second frequency value.

71. (Withdrawn) The system of claim 70 wherein a value of said first customer information response signal also depends at least in part upon data stored in said first customer record, including at least a first customer third frequency value.

72. (Withdrawn) The system of claim 67 wherein a value of said first customer information response signal also depends at least in part upon data stored in said first customer record, including at least a first customer first frequency value.

73. (Withdrawn) The system of claim 72 wherein said signal also depends at least in part upon data stored in said first customer record, including at least a first customer second frequency value.

74. (Withdrawn) The system of claim 66 wherein said signal also depends at least in part upon data stored in said first customer record, including at least a first customer first status value.

75. (Withdrawn) The system of claim 74 wherein said signal also depends at least in part upon data stored in said first customer record, including at least a first customer first flag value.

76. (Withdrawn) The system of claim 66 wherein said signal also depends at least in part upon data stored in said first customer record, including at least a first customer first time value.

date/time: April 27, 2006 (2:54pm)

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